

107TH CONGRESS  
1ST SESSION

# H. R. 3515

To ensure that aliens studying in the United States comply with the terms and conditions applicable to such study, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2001

Mr. GEORGE MILLER of California (for himself, Mr. ANDREWS, Mrs. DAVIS of California, Ms. ESHOO, Mr. MORAN of Virginia, Mr. STENHOLM, Mr. TIERNEY, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To ensure that aliens studying in the United States comply with the terms and conditions applicable to such study, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “International Student  
5       Responsibility Act”.

1 **SEC. 2. FOREIGN STATE ASSISTANCE IN ENSURING THAT**  
2 **PROSPECTIVE STUDENTS ARE ELIGIBLE FOR**  
3 **ADMISSION INTO UNITED STATES.**

4 (a) IN GENERAL.—Upon receiving an application  
5 from a citizen or national of a foreign state for a visa  
6 authorizing entry into the United States as a non-  
7 immigrant described in subparagraph (F), (J), or (M) of  
8 section 101(a)(15) of the Immigration and Nationality Act  
9 (8 U.S.C. 1101(a)(15)), the Secretary of State shall re-  
10 quest such foreign state to provide the following:

11 (1) Any information about the citizen or na-  
12 tional that pertains to a ground of inadmissibility  
13 described in paragraph (2) or (3) of section 212(a)  
14 of the Immigration and Nationality Act (8 U.S.C.  
15 1182(a)).

16 (2) Any information leading such foreign state  
17 reasonably to believe that the citizen or national  
18 might violate a term or condition of such status, if  
19 it were to be granted.

20 (b) ENFORCEMENT.—In the case of a foreign state  
21 described in subsection (a), the citizens and nationals of  
22 the state may, in the discretion of the Secretary of State,  
23 be deemed ineligible to obtain a visa authorizing entry into  
24 the United States as a nonimmigrant described in sub-  
25 paragraph (F), (J), or (M) of section 101(a)(15) of the  
26 Immigration and Nationality Act if—

1           (1) the Secretary of State determines that the  
2           state has demonstrated a pattern or practice of fail-  
3           ing to make reasonable efforts accurately, com-  
4           pletely, and timely to respond to requests described  
5           in subsection (a) and the Secretary of State certifies  
6           such determination to the Attorney General; or

7           (2) the Attorney General, in consultation with  
8           the Secretary of State, determines that a substantial  
9           number of the citizens and nationals of the state  
10          who have be granted such nonimmigrant status have  
11          violated a term or condition of such grant.

12 **SEC. 3. RESTRICTION ON ADMISSIBILITY OF NON-**  
13 **IMMIGRANT STUDENTS FROM COUNTRIES**  
14 **THAT ARE STATE SPONSORS OF INTER-**  
15 **NATIONAL TERRORISM.**

16          (a) IN GENERAL.—No visa authorizing entry into the  
17          United States as a nonimmigrant described in subpara-  
18          graph (F), (J), or (M) of section 101(a)(15) of the Immi-  
19          gration and Nationality Act (8 U.S.C. 1101(a)(15)) shall  
20          be issued to any alien from a country that is a state spon-  
21          sor of international terrorism unless it has been deter-  
22          mined that such alien does not pose a threat to the safety  
23          or national security of the United States according to  
24          standards developed by the Secretary of State, in consulta-  
25          tion with the Attorney General, and applicable to nationals

1 of such states. In addition to the consultation required  
2 under the preceding sentence, any determination made by  
3 the Secretary of State or the Attorney General under this  
4 subsection shall be made in consultation with the heads  
5 of other appropriate United States agencies, using stand-  
6 ards applicable to nationals of such states.

7 (b) STATE SPONSOR OF INTERNATIONAL TERRORISM  
8 DEFINED.—

9 (1) IN GENERAL.—In this section, the term  
10 “state sponsor of international terrorism” means  
11 any country the government of which has been de-  
12 termined by the Secretary of State under any of the  
13 laws specified in paragraph (2) to have repeatedly  
14 provided support for acts of international terrorism.

15 (2) LAWS UNDER WHICH DETERMINATIONS  
16 WERE MADE.—The laws specified in this paragraph  
17 are the following:

18 (A) Section 6(j)(1)(A) of the Export Ad-  
19 ministration Act of 1979 (or successor statute).

20 (B) Section 40(d) of the Arms Export  
21 Control Act.

22 (C) Section 620A(a) of the Foreign Assist-  
23 ance Act of 1961.

1 **SEC. 4. NOTICE TO EDUCATIONAL INSTITUTIONS OF ENTRY**  
2 **INTO UNITED STATES BY PROSPECTIVE STU-**  
3 **DENT.**

4 Section 641(g) of the Illegal Immigration Reform and  
5 Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(g))  
6 is amended by adding at the end the following:

7 “(3) NOTIFICATION OF ENTRY.—The Attorney  
8 General shall notify approved institutions of higher  
9 education, other approved educational institutions,  
10 and designated exchange visitor programs when an  
11 alien is admitted to the United States for the pur-  
12 pose of studying at the institution or participating in  
13 the program. The notice shall be given not later  
14 than 10 days after the alien’s entry.”.

15 **SEC. 5. ADDITIONAL OBLIGATIONS OF EDUCATIONAL IN-**  
16 **STITUTIONS UNDER FOREIGN STUDENT MON-**  
17 **ITORING PROGRAM.**

18 (a) NOTIFICATION OF STUDENTS FAILING TO REG-  
19 ISTER.—

20 (1) IN GENERAL.—Section 641(c)(1) of the Ille-  
21 gal Immigration Reform and Immigrant Responsi-  
22 bility Act of 1996 (8 U.S.C. 1372(c)(1)) is  
23 amended—

24 (A) in subparagraph (C), by striking  
25 “and” at the end;

1 (B) in subparagraph (D), by striking the  
2 period at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(E) the failure of the alien to register in  
5 the United States with the institution or pro-  
6 gram before the date that is 30 days after the  
7 date on which the alien’s instruction or partici-  
8 pation is scheduled to commence.”.

9 (2) SPECIAL COLLECTION RULE.—

10 (A) IN GENERAL.—Not later than 6  
11 months after the date of the enactment of this  
12 Act, the Attorney General, in consultation with  
13 the Secretary of State and the Secretary of  
14 Education, shall establish a process to collect  
15 from approved institutions of higher education,  
16 other approved educational institutions, and  
17 designated exchange visitor programs in the  
18 United States (as defined in section 641 of the  
19 Illegal Immigration Reform and Immigrant Re-  
20 sponsibility Act of 1996 (8 U.S.C. 1372)), with  
21 respect to nationals of all countries, the infor-  
22 mation described in subsection (c)(1)(E) of  
23 such section, as added by paragraph (1).

24 (B) SUNSET.—Subparagraph (A) shall  
25 apply until the date on which the Attorney Gen-

1           eral collects electronically the information de-  
2           scribed in such subparagraph under section 641  
3           of the Illegal Immigration Reform and Immi-  
4           grant Responsibility Act of 1996 (8 U.S.C.  
5           1372).

6           (3) INCLUSION OF INFORMATION IN INTER-  
7           STATE INDEX.—The Attorney General shall ensure  
8           that information received under paragraph (2) or  
9           section 641(c)(1)(E) of the Illegal Immigration Re-  
10          form and Immigrant Responsibility Act of 1996 (8  
11          U.S.C. 1372(c)(1)(E)), as added by paragraph (1),  
12          is included in the National Crime Information Cen-  
13          ter’s Interstate Identification Index.

14          (b) CIVIL MONEY PENALTIES FOR FAILURE TO PRO-  
15          VIDE INFORMATION.—

16               (1) IN GENERAL.—Section 641(d)(2) of the Il-  
17          legal Immigration Reform and Immigrant Responsi-  
18          bility Act of 1996 (8 U.S.C. 1372(d)(2)) is amended  
19          to read as follows:

20               “(2) EFFECT OF FAILURE TO PROVIDE INFOR-  
21          MATION.—If an approved institution of higher edu-  
22          cation, other approved educational institution, or a  
23          designated exchange visitor program fails to provide  
24          the specified information—

1           “(A) such approvals and such issuance of  
2           visas shall be revoked or denied; or

3           “(B) the Attorney General shall require  
4           the institution or program to cease and desist  
5           from such violations and to pay a civil penalty  
6           in an amount of not less than \$25,000 for each  
7           such violation.”.

8           (2) PROCEDURE.—Section 641(d) of the Illegal  
9           Immigration Reform and Immigrant Responsibility  
10          Act of 1996 (8 U.S.C. 1372(d)) is amended by add-  
11          ing at the end the following:

12          “(3) PROCEDURE.—The provisions of section  
13          274A(e)(3) of the Immigration and Nationality Act  
14          (8 U.S.C. 1324a(e)(3)) shall apply to an imposition  
15          of a civil penalty under paragraph (2)(B) in the  
16          same manner as such provisions apply to the imposi-  
17          tion of an order described in paragraph (4), (5), or  
18          (6) of section 274A(e) of such Act.”.

19          (c) WITHHOLDING OF FINAL TRANSCRIPTS AND DI-  
20          PLOMAS PENDING FULFILLMENT OF IMMIGRATION OBLI-  
21          GATIONS.—Section 641 of the Illegal Immigration Reform  
22          and Immigrant Responsibility Act of 1996 (8 U.S.C.  
23          1372) is amended—

24                 (1) by redesignating subsection (h) as sub-  
25                 section (i); and



1           (2) by inserting after subsection (g) the fol-  
2       lowing:

3       “(h) WITHHOLDING OF FINAL TRANSCRIPTS AND  
4       DIPLOMAS PENDING FULFILLMENT OF IMMIGRATION OB-  
5       LIGATIONS.—

6           “(1) IN GENERAL.—Except as provided in sec-  
7       tion 444(j) of the General Education Provisions Act  
8       (20 U.S.C. 1232g(j)), an approved institution of  
9       higher education, other approved educational institu-  
10      tion, or designated exchange visitor program may  
11      not release a diploma, final transcript, or any other  
12      information confirming attendance or program re-  
13      quirement completion pertaining to an alien having  
14      the status of a nonimmigrant under subparagraph  
15      (F), (J), or (M) of section 101(a)(15) of the Immi-  
16      gration and Nationality Act (8 U.S.C. 1101(A)(15))  
17      until the alien—

18           “(A) departs from the United States upon  
19      completion of the education, training, or pro-  
20      gram participation for which the alien came to  
21      the United States; or

22           “(B) obtains a change in immigration sta-  
23      tus authorizing the alien to remain in the  
24      United States notwithstanding such completion.

1           “(2) RECEIPT OF INFORMATION.—The Attor-  
2       ney General shall establish a process to ensure that  
3       approved institutions of higher education, other ap-  
4       proved educational institutions, and designated ex-  
5       change visitor programs receive the information on  
6       alien departures and changes in immigration status  
7       that is necessary to permit such institutions and  
8       programs to comply with paragraph (1).

9           “(3) ENFORCEMENT.—If the Attorney General  
10      determines that an approved institution of higher  
11      education, other approved educational institution, or  
12      designated exchange visitor program has dem-  
13      onstrated a pattern or practice of violating para-  
14      graph (1), the Attorney General shall—

15               “(A) revoke (or deny, as the case may be)  
16              the approval and authority to issue documents  
17              described in subsection (d)(1); or

18               “(B) pursuant to the procedures described  
19              in subsection (d)(3), require the institution or  
20              program to cease and desist from such viola-  
21              tions and to pay a civil penalty in an amount  
22              of not less than \$25,000 for each such viola-  
23              tion.”.

24           “(d) DOCUMENTARY REQUIREMENTS.—With respect  
25      to any document issued by an approved institution of high-

1 er education, other approved educational institution, or  
2 designated exchange visitor program (as defined in section  
3 641(i) of the Illegal Immigration Reform and Immigrant  
4 Responsibility Act of 1996 (8 U.S.C. 1372(i))) dem-  
5 onstrating an alien’s eligibility for a visa under subpara-  
6 graph (F), (J), or (M) of section 101(a)(15) of the Immi-  
7 gration and Nationality Act (8 U.S.C. 1101(A)(15)), the  
8 Attorney General shall—

9 (1) establish a mandatory form for such docu-  
10 ment that requires the inclusion of the name of the  
11 institution or program; and

12 (2) require that, if such alien is outside the  
13 United States, such document be sent directly to a  
14 consulate of the United States selected by the alien,  
15 in lieu of being issued to the alien.

16 (e) CONDITIONING ELIGIBILITY UNDER HIGHER  
17 EDUCATION ACT.—Section 487(a) of the Higher Edu-  
18 cation Act of 1965 (20 U.S.C. 1094(a)) is amended by  
19 adding at the end the following:

20 “(24) The institution certifies that it has not  
21 had its approval under subparagraph (F) or (M) of  
22 section 101(a)(15) of the Immigration and Nation-  
23 ality Act (8 U.S.C. 1101(a)(15)), or its authority to  
24 issue documents to an alien demonstrating the  
25 alien’s eligibility for a visa under subparagraph (F),

1 (J), or (M) of such section, revoked or denied under  
2 section 641(d)(2) of the Illegal Immigration Reform  
3 and Immigrant Responsibility Act of 1996 (8 U.S.C.  
4 1372(d)(2)).”.

5 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR SEVIS.**

6 There are authorized to be appropriated such sums  
7 as may be necessary for fiscal year 2002 and each of the  
8 4 succeeding fiscal years for—

9 (1) the operation of the Student and Exchange  
10 Visitors Information System; and

11 (2) investigation and enforcement activities  
12 based on data in such system.

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